

## **REMARKS**

### **I. Amendments**

By this amendment, claim 1 has been modified and claims 4 and 6 have been cancelled.

This amendment adds no new matter to the specification. Support for the modifications to claim 1 can be found in the specification and claims as originally filed.

### **II. Discussion of the Supplemental Information Disclosure Statement**

Applicants previously submitted an Information Disclosure Statement on September 1, 2004. The Examiner has indicated that reference A5 was not considered, as it was not in English. Applicants now submit a copy of an English-language translation of the abstract of the previous A5 reference, for the Examiner's consideration.

Consideration and entry onto the record are respectfully requested.

### **III. Discussion of the Restriction Requirement**

The Examiner has imposed a restriction requirement on the pending claims.

Applicants previously elected to prosecute the aspects of the invention as set forth in the claims as characterized as in Groups IV and V. The Examiner agreed that the subject matter of the claims of Groups IV and V could be combined.

By this amendment, non-elected subject matter withdrawn by the Examiner has been cancelled without prejudice to the filing of future continuing applications with the modification of independent claim 1 and the cancellation of claims 4 and 6.

Therefore, Applicants submit that the aspects of the invention as set forth in the pending claims as amended are in conformance with the restriction requirement.

### **IV. Discussion of the Rejection under 35 U.S.C. Sec. 102(a) over Ojida *et al.***

Claims 1-6 have been rejected under 35 U.S.C. Sec. 102(a) as allegedly anticipated by Ojida *et al.* (Organic Letters 2002 article). Applicants respectfully traverse the rejection.

The Examiner has indicated that the rejection would be obviated by submission of a certified translation of the priority document. Accordingly, a copy of a certified translation of the priority document accompanies this response.

Therefore Applicants respectfully request withdrawal of the 35 U.S.C. Sec. 102(a) rejection.

#### **V. Discussion of the Rejection under 35 U.S.C. Sec. 112, Second Paragraph**

Claim 1 has been rejected under 35 U.S.C. Sec. 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse the rejection.

By this amendment, the variables R<sup>1</sup>, R<sup>2</sup>, R<sup>3</sup>, R<sup>4</sup> and R<sup>5</sup> have been modified in independent claim 1. Support for the amendment may be found on page 14, line 23 – page 15, line 8 and page 16, lines 18-19 *inter alia*.

Therefore Applicants respectfully request withdrawal of the 35 U.S.C. Sec. 112, second paragraph rejection.

#### **VI. Discussion of the Objection to the Claims**

Claims 1 and 6 have been objected to for being drawn to non-elected subject matter, while claims 2-6 have been objected to for being dependent upon a rejected base claim.

By this amendment, claim 1 has been modified and claims 4 and 6 have been cancelled in accordance with the restriction requirement as indicated in Sec. III above.

Therefore Applicants submit that the objection to the claims has been overcome.

## VII. Conclusion

Reconsideration of the pending claims as amended and allowance is requested.

Should the Examiner believe that a conference with Applicants' attorney would advance prosecution of this application, the Examiner is respectfully invited to call Applicants' attorney at the number below.

Respectfully submitted,

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